

Senate Study Bill 3034 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON SODDERS)

A BILL FOR

1 An Act relating to consent decrees in juvenile delinquency
2 proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.46, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2016, is amended to read as
3 follows:

4 At any time after the filing of a petition and an admission
5 by the child of the child's involvement in a delinquent act
6 or a finding by the court that the child has committed a
7 delinquent act, and prior to entry of an order of adjudication
8 pursuant to section 232.47, the court, subject to subsection 3,
9 may suspend the proceedings on motion of the county attorney
10 or the child's counsel, enter a consent decree, and continue
11 the case under terms and conditions established by the court.
12 These terms and conditions may include any of the following:

13 Sec. 2. Section 232.46, subsection 3, Code 2016, is amended
14 to read as follows:

15 3. A consent decree shall not be entered unless the all of
16 the following apply:

17 a. The child and the child's parent, guardian, or custodian
18 is are informed of the consequences of the decree by the court
19 and the court determines that the child has voluntarily and
20 intelligently agreed to the terms and conditions of the decree.

21 b. The court has not entered a consent decree for a
22 delinquent act committed by the child prior to the commission
23 of the delinquent act which is the subject of the pending
24 consent decree.

25 c. The child has not entered into an informal adjustment
26 agreement regarding the delinquent act which is the subject of
27 the pending consent decree.

28 d. The court has not previously entered an order
29 adjudicating the child to have committed a delinquent act.

30 3A. If the county attorney objects to the entry of
31 a consent decree, the court shall proceed to determine
32 the appropriateness of entering a consent decree after
33 consideration of any objections or reasons for entering such a
34 decree.

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EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill relates to consent decrees in juvenile delinquency
4 proceedings.

5 Under current law, after a county attorney files a petition
6 alleging that a child has committed a delinquent act and prior
7 to an order of adjudication, the court may suspend the juvenile
8 delinquency proceedings, enter a consent decree, and continue
9 the case under terms and conditions established by the court.
10 If the child complies with the terms and conditions of the
11 consent decree for the required amount of time, the original
12 petition may not be reinstated. If the child fails to comply
13 with the terms and conditions of the consent decree, the child
14 may be held accountable for the underlying delinquent act as if
15 the consent decree had never been entered. However, the court
16 may not enter a consent decree unless the child and the child's
17 parent, guardian, or custodian are informed of the consequences
18 of the consent decree and the child agrees to the terms and
19 conditions of the consent decree.

20 The bill amends current law so that the court may enter a
21 consent decree only after either the child admits to having
22 committed a delinquent act or the court finds that the child
23 committed a delinquent act. The bill also amends current law
24 regarding the conditions that must be met for the court to
25 have the authority to enter a consent decree. In addition
26 to the child and the child's parent, guardian, or custodian
27 being informed of the consequences of the consent decree and
28 the child agreeing to the terms and conditions of the consent
29 decree, the court may not have entered a consent decree for a
30 delinquent act committed by the child prior to the commission
31 of the delinquent act which is the subject of the pending
32 consent decree, the child may not have entered into an informal
33 adjustment agreement regarding the delinquent act which is the
34 subject of the pending consent decree, and the court may not
35 have previously entered an order adjudicating the child to have

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1 committed a delinquent act.